

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Robbie Collins,

Case No. 2:24-cv-3915-RMG

Plaintiff,

v.

Antonelli, *et al.*,

ORDER

Defendants.

Before the Court is the Report and Recommendation (R&R) of the Magistrate Judge (Dkt. No. 19) recommending that that the Court grant in part and deny in part Defendants' motion to dismiss. (Dkt. No. 14). The Magistrate Judge recommends that the Court grant Defendants' motion to dismiss regarding Plaintiff's retaliation claim against Defendants Richardson and McKie and deny the motion to dismiss regarding Plaintiff's deliberate indifference claim against Defendants Antonelli, Jackson, Pemberton, and Labrador. (*Id.* at 5-9). No party filed objections to the R & R.

I. Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the Report for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that

“in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

II. Discussion

The Court finds that the Magistrate Judge properly summarized the factual and legal issues involved in Defendants’ motion to dismiss and correctly concluded that Defendants’ motion to dismiss should be granted regarding the Plaintiff’s retaliation claim and be denied regarding Plaintiff’s deliberate indifference claim. The Magistrate Judge further correctly concluded the Plaintiff’s complaint met the minimal pleading requirements for a pro se plaintiff.

III. Conclusion

In light of the foregoing, the Court **ADOPTS** the R & R of the Magistrate Judge (Dkt. No. 19) as the order of the Court, **GRANTS** Defendants’ motion to dismiss (Dkt. No. 14) regarding Plaintiff’s retaliation claim against Defendants Richardson and McKie, and otherwise **DENIES** Defendants’ motion to dismiss. This matter is remanded to the Magistrate Judge for further pretrial processing.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

March 24, 2025
Charleston, South Carolina